IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIRST DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

And

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No.2463 of 2000

Between:

1. Sree Srinivasa Finance Corporation,

Rep. by its Partner Boddu Kumara Swamy,

S/o. Krishnaiah,
H.No.2-16, Telkapally (V)&(M),
Mahaboobnagar District.

2 Bonipally Venkateswara Rao, S/o. Papal Rao,
7-17, Telkapally (V)&(M),
Mahaboobnagar District.

3 Papisetti Rajaiah, S/o. Viswanadham,
R/o. Amrabad(V)&(M), Mahaboobnagar District.

..... PETITIONER(S)

AND

1 The Consumer Disputes Redressal Forum,
Mahaboobnagar, Mahaboobnagar district.

2 Smt. Jalaja, w/o. Mahender,
Mahaboobnagar, Mahaboobnagar district.

3 The Union of India, rep. by its Secretary,

Ministry of Consumer Forum,
Ministry of Civil Supplies, Govt. of India ,
New Delhi.

.....RESPONDENT(S)

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or direction, more particularly one in the nature of Writ of Mandamus by declaring the power of penalties under Section 27 of the Consumer Protection Act, without contemplating the procedural rules thereunder in violation of Articles 14 and 19 of the Constitution of India and consequently declare the action of the respondents in passing arrest warrant in PP.No.44/99 in O.P.No.38/96, on the file of the District Forum, Mahaboobnagar District, to the petitioners without following the procedure known to law, is arbitrary, unjust and against the principles of natural justice.

Counsel for the Petitioner: MR. C. BUCHI REDDY

Counsel for Respondent No.1: G.P. for Civil Supplies.

Counsel for Respondent No.2: Mr. P. Gagirami Reddy

Counsel for Respondent No.3: Mr. A. Rajasekhara Reddy,
S.C. for C.G.

The Court made the following :

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ORDER: (Per Hon'ble Sri Justice B. Sudershan Reddy)

The subject matter that arises for consideration in this Writ Petition is squarely covered by the decision rendered by a Full Bench of this Court in ***C.V. Ratnam v. Union of India & Others***.

Following the decision of the Full Bench, this writ petition is required to be dismissed and the same shall accordingly stand dismissed without any order as to costs.

However, the petitioner shall have the advantage of the observations made in the judgment and the remedy to prefer appeal against the decision of the District Forum is left open.

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B. SUDERSHAN REDDY, J

Date:01-11-2004.

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K.C. BHANU, J

PV

To

1 The Secretary, Union of India,

Ministry of Food & Consumer Affairs, New Delhi.

2. The President, District Consumer Forum,

Mahaboobnagar District.

3. Two C.Cs. to G.P. for Civil Supplies, High Court of A.P.,

Hyderabad.

4. Two C.D. copies.